

## **REMARKS**

Applicant respectfully requests reconsideration of this application as amended. No claims have been amended. Claims 1-7, 10-13, and 16-20 have been previously cancelled without prejudice. Therefore, claims 8, 9, 14, 15, and 21-37 now are presented for examination.

### **35 U.S.C. § 102 Rejection**

Claims 8-9, 14-16, 21-24, 28-29 and 33-34 stand rejected under 35 U.S.C. §102(e) as being taught by Lempel, U.S. Patent No. 5,978,909 ("Lempel").

The Examiner in the Office Action mailed July 12, 2004, stated that "this rejection under 35 U.S.C. §102(e) might be overcome . . . by a showing under 37 CFR §1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention 'by another.'" (Office Action, page 2 paragraph 4). In response, applicant submits herewith a Declaration under 37 CFR §1.132 to overcome this rejection.

### **35 U.S.C. § 103 Rejection**

Claims 25-27, 30-32, and 35-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ("Lempel") in view of Applicant's admitted prior art ("AAPA").

With regard to claims 25-27, 30-32, and 35-37, they depend from one of independent claims 8, 14, 21, 28 and 33 and thus, they include the limitations of the claim from which depend. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 25-27, 30-32, and 35-37.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

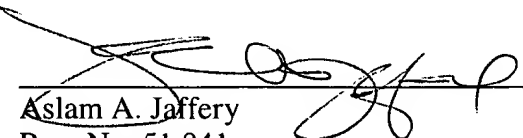
### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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Date: 9/27/04

  
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